IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 26669 of 2007(Y)

PETITIONER:

JAYAPALAN, @ KUNJUMON, AGED 48 YEARS
S/O.KUMARAN,CHERIPARAMBIL HOUSE,
ARRAYAD SOUTH VILLAGE,
AMBALAPPUZHA TALUK.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW

RESPONDENTS:
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1. STATE OF KERALA REP BY,
SECRETARY HOME, THIRUVANANTHAPURAM.

2. CIRCLE INSPECTOR OF POLICE
ALAPPUZHA NORTH POLICE STATION.

3. SUB INSPECTOR OF POLICE,
ALAPPUZHA NORTH POLICE STATION.

4. MANOJKUMAR, S/O. REGHU,
KANIYAM PARAMBIL, AVALUKUNNU P.O.,
ALAPPUZHA.

5. K.H.REJI KUMAR, AGED 34 YEARS,
S/O. K.R.HARIDAS, RESIDING AT
KANIYAM PARAMBIL HOUSE,
THONDOMKULANGARA WARD, ALAPPUZHA.

6. P.R.HONEY, W/O.MANOJKUMAR,
KANIYAM PARAMBIL, AVALUKUNNU P.O, ALAPPUZHA.

BY ADV. SRI.G.PRIYADARSAN THAMPI (FOR R4, 5, & 6)
SRI.V.GOPIKRISHNA
GOVT. PLEADER, SRI. P.A.SALIM (FOR R1)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JP

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE BASIC TAX RECEIPT.

EXT. P2: COPY OF THE PETITION DATED 17.07.2007.

EXT. P3: COPY OF THE PETITION DATED 28.08.2007.

EXT. P4: COPY OF THE RENT DEED EXECUTED BY THE 6TH RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.26669 of 2007-Y

Judgment

Balakrishnan Nair, J.

The petitioner is the landlord of a building. The 6th respondent is the tenant of one of the rooms. The 5th respondent is the tenant of another room, who, according to the petitioner, has not so far, executed the rent deed. The 4th respondent is the husband of the 6th respondent. When the petitioner tried to construct a stair case and the upstair portion, respondents 4 to 6 caused obstruction to the same. They are threatening the petitioner and his family members, it is submitted. The petitioner has filed Ext.P3 representation before the Police, seeking police help for constructing and giving the upstair portion of the building on rent.

2. Respondents 4 to 6 have filed a counter affidavit, denying all the allegations against them. According to them, the petitioner wants to evict them and give the rooms on higher rent to other parties. Therefore, unfounded allegations are made in the Writ Petition. The learned Government Pleader upon instruction, submitted that the dispute being a civil dispute, the Police did

not interfere. We notice that the dispute in this case is a dispute between the landlord and his tenants. The same is a civil dispute and if the tenants are causing any obstruction, the petitioner can move the civil court and get appropriate reliefs. We cannot ask the Police to interfere in this dispute. Accordingly, the Writ Petition is dismissed without prejudice to the contentions of the petitioner and his right to move other forums for appropriate reliefs.

K.BALAKRISHNAN NAIR,JUDGE

09.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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